IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2457 OF 2006

Bholanath Pandu Tandel. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr. S.S.Kulkarni for the Applicant.
Mrs. S.V. Gajare,APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 24.7.2006.

P.C.

1. This is an application for grant of regular bail. The applicant is arrested on 4.8.2005 in connection with C.R.No.I-176/2005 registered by Virar Police Station. On reading the F.I.R., it is clear that the present applicant Bholanath has some grievance as against the complainant Vijay as he had heard that Vijay had abused him and therefore, he accosted Vijay and enquired why he abused him. At this time the deceased who was a friend of the complainant intervened and told the applicant to forget it. At this time the applicant assaulted the deceased. The post motes notes indicates that there are no external injuries found on the body of the deceased. Internally, there is hairline fracture and the death was caused due to haematoma. In my view, intention to kill

the deceased and the motive will have to be looked into at the time of trial. It is also to be seen whether the case falls under Section 326 of the I.P.C. Wooden stick is used in the offence. The A.P.P. states that the Investigation is complete and charge-sheet is filed. The applicant has withdrawn his earlier application with liberty file fresh application after 6 months. Taking an over all over of the matter, I am inclined to grant bail to the applicant. It is therefore, directed that pending his trial in pursuance of C.R.I-176/2005 registered by Viral Police Station, the applicant may be released on bail in the sum of Rs.20,000/- with one surety in the like amount subject to the condition that he should report to the I.O. at Virar Police Station once in a fort night on every first and third Mondays between 11 to 5.p.m. till the disposal of the trial.

2. Application is disposed off.

(R. S. MOHITE, J.)